

REMARKS:

Claims 1-37 are currently pending in the application. Claims 1-11, 13-21, 23-34, 36, and 37 stand rejected under 35 U.S.C. § 103(a) over Cupps (U.S. Patent No. 5,991,739) in view of Hanson (U.S. Patent No. 4,971,406) and Harrington (U.S. Patent No. 5,895,454). Claims 12, 22, and 35 stand rejected under 35 U.S.C. § 103(a) over Cupps in view of Hanson and Harrington, and further in view of Cotter (U.S. Patent No. 4,797,818).

Claim Rejections under 35 U.S.C. § 103(a):

Claims 1-11, 13-21, 23-34, 36, and 37 stand rejected under 35 U.S.C. § 103(a) over Cupps in view of Hanson and Harrington. However, because the proposed combination of Cupps, Hanson, and Harrington fails to disclose or suggest all of the limitations of claims 1-11, 13-21, 23-34, 36, and 37 as currently amended, it is respectfully submitted that the proposed combination of Cupps, Hanson, and Harrington cannot render these claims obvious.

Specifically, with respect to claim 1 (as well as claims 2-11, which depend from claim 1), this claim recites a food order transaction broker operable to “receive a request for at least one particular food item from a buyer.” Claim 1 has been amended to further recite that the food order transaction broker is operable to generate a list that includes “rating information for the requested particular food item for each listed unaffiliated seller.” Cupps, Hanson, and Harrington each fails to disclose or suggest generating a list that includes such rating information. Therefore, since each of Cupps, Hanson, and Harrington fails to disclose or suggest all of the limitations of claim 1 as amended, the proposed combination of Cupps, Hanson, and Harrington likewise fails to disclose or suggest all of the limitations of amended claim 1. Thus, the proposed combination of Cupps, Hanson, and Harrington cannot render obvious claim 1, or claims 2-11 depending from claim 1.

With respect to independent claims 13, 23, and 24, each of these claims has been similarly amended to recite a list that includes “rating information for the requested particular food item for each listed unaffiliated seller.” Therefore, the comments presented above in connection with claim 1 apply equally to claims 13, 23,

and 24, as well as claims 14-21, 36, and 37 depending from claim 13, and claims 25-34 depending from claim 24. In other words, for at least the reasons discussed above in connection with claim 1, the proposed combination of Cupps, Hanson, and Harrington cannot render obvious claims 13-21, 23-34, 36, and 37.

For the reasons set forth herein, the Applicants submit that Claims 1-11, 13-21, 23-34, 36, and 37, as amended, are not rendered obvious by Cupps in view of Hanson and Harrington. The Applicants further submit that Claims 1-11, 13-21, 23-34, 36, and 37, as amended, are in condition for allowance. Therefore, the Applicants respectfully request that Claims 1-11, 13-21, 23-34, 36, and 37, as hereby amended, be allowed.

Claims 12, 22, and 35 stand rejected under 35 U.S.C. § 103(a) over Cupps in view of Hanson and Harrington, and further in view of Cotter.

Claim 12 depends from independent claim 1, claim 22 depends from independent claim 13, and claim 35 depends from independent claim 24. As discussed above, claims 1, 13, and 35 as amended herein are considered patentable over the proposed combination of Cupps, Hanson, and Harrington at least because this proposed combination fails to disclose or suggest generation of a list that includes "rating information for the requested particular food item for each listed unaffiliated seller." Cotter likewise fails to disclose or suggest this limitation, so the combined teachings of Cupps, Hanson, Harrington, and Cotter would still fail to disclose or suggest all of the limitations of claims 1, 13, and 24. Since claims 12, 22, and 35 depend from claims 1, 13, and 24, respectively, the proposed combination of Cupps, Hanson, Harrington, and Cotter would likewise fail to disclose or suggest all the limitations of claims 12, 22, and 35 as well. Since the proposed combination of Cupps, Hanson, Harrington, and Cotter fails to disclose or suggest all of the limitations of claims 12, 22, and 35, the proposed combination cannot render obvious claims 12, 22, and 35.

For the reasons set forth herein, the Applicants submit that Claims 12, 22, and 35 are not rendered obvious by Cupps in view of Hanson and Harrington, and further in view of Cotter. The Applicants further submit that Claims 12, 22, and 35 are in condition for

allowance. Therefore, the Applicants respectfully request that Claims 12, 22, and 35 be allowed.


Conclusion:

No fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any additional fees which may be required, or credit any overpayments, to Deposit Account No. **500777**.

Please link this application to Customer No. 38441 so that its status may be checked via the PAIR System.

Respectfully submitted,

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Date



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